

III. REMARKS

Claims 1-31 are pending in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Claims 1-4, 7-8, 9-11, 13-27 and 30-31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jason (U.S. Patent No. 6,636,520), hereafter “Jason,” in view of Zhou (J. Zhou, “Further analysis of the Internet key exchange protocol”, Computer Communications, Volume 23, Issue 17, 11/1/2000) and further in view of Pfleeger (Charles P. Pfleeger, “Security in computing”, 2nd edition, 1996, ISBN:0133374866), hereafter “Pfleeger.” Claims 5-6, 12 and 28-29 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jason in view of Zhou and Pfleeger and further in view of Noehring (U.S. Patent Pub. No. 2002/0188871), hereafter “Noehring.”

With regard to the 35 U.S.C. §103(a) rejections, it is noted the problem identified in the present invention is that companies have a security policy that requires all traffic between nodes to be protected in a connection using IPsec security associations. Accordingly, it is impossible for IKE traffic to be protected in a connection it has yet to establish. The prior art solution was to write IKE traffic permit filters to allow IKE traffic to pass through the VPN gateway (page 2,

lines 12-17). This problem of writing permit filters is solved in the present invention. None of the references, Jason, Zhou or Pfleeger identify this problem. As part of any inquiry into patentability of an invention, the invention “as a whole” must be considered. A patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the “subject matter as a whole” which should always be considered in determining the obviousness of an invention under 35 U.S.C. § 103 (In re Spinnoble, 405 F.2d 578, 585, 160 USPQ 237, 243 (CCPA 1969)). In the present invention the problem of having a security policy that requires all traffic between nodes to be protected in a connection using IPsec security associations is not identified in any of the references and thus, the obviousness rejection is not proper. Withdrawal of the rejection of claims 1-31 under 35 U.S.C. § 103 is requested.

Furthermore, Applicants assert that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claim 1, and similarly claimed in claims 9, 14, 17, 20 and 24, Applicants submit that the cited references fail to teach or suggest “an IKE traffic enablement system for automatically allowing IKE traffic from outside the VPN to flow into the VPN if the IKE traffic permit filters are not detected”. The Office cites Zhou as disclosing the use of IKE protocols. Pfleeger is cited as disclosing a filter detection system for searching IKE traffic permit filters. The Office then states that IKE traffic is freely allowed in Jason in view of Zhou and concludes “In other words, the IKE traffic filters are not detected and the IKE traffic is allowed to (sic) automatically through the VPN, which would equate to “automatically allowing the IKE traffic from outside the VPN to flow into the VPN if the traffic permit filters are not detected”. Applicant asserts that

this reasoning is not supported. If one combines Jason and Zhou to configure Jason to use IKE protocols and further combines Pfleeger to employ a filter detection system in Jason, one would be left the problem described in the Background Art section of the specification. Pfleeger states on page 431 that; “Screening routers look only to the headers of packets, not at the data inside the packets. Therefore, a screening router would pass anything to port 25, *assuming its screening rules said to allow inbound connections to that port.*” Hence, Pfleeger teaches against allowing IKE traffic from outside the VPN to flow into the VPN if the IKE traffic permit filters are not detected. Accordingly, Applicant asserts that the combination cited by the office could not produce Applicant’s invention and respectfully requests that the Office withdraw its rejection.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependent claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office’s combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office’s

combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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